

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

FEB 15 2011

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2010-0013
)	DEPARTMENT B
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
JOSEPH GERARD JONES, JR.,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF GILA COUNTY

Cause No. CR2008703

Honorable Peter J. Cahill, Judge

AFFIRMED

Emily L. Danies

Tucson
Attorney for Appellant

E C K E R S T R O M, Judge.

¶1 Appellant Joseph Gerard Jones, Jr., was charged with aggravated assault while in custody, aggravated assault on a police officer, criminal trespass, and disorderly conduct. A jury found Jones guilty of aggravated assault while in custody, a class five felony, but not guilty of the other three offenses. *See* A.R.S. § 13-1204(A)(10)(a)(iv),(b), and (C).¹ The trial court sentenced Jones to a presumptive 1.5-year prison term with credit for twenty-seven days served, and ordered him to pay restitution in the amount of \$2,067.94 to the victim and \$13,518.69 to the victim’s insurance company. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has reviewed the record and has found “[n]o arguable question of law” to raise on appeal. Counsel has asked us to search the record for fundamental error. Jones has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury’s finding of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The victim, a detention officer at the Gila County Jail, was injured during an altercation with Jones at the jail following Jones’s arrest. And the sentence is within the statutory limit. *See* 2006 Ariz. Sess. Laws, ch. 148, § 1 (former A.R.S. § 13-702, providing sentencing range for first felony conviction).

¹Section 13-1204 was recently amended. The version of the law in effect at the time Jones committed the offense is the same in relevant part. *See* 2007 Ariz. Sess. Laws, ch. 47, § 1.

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Jones's conviction and sentence.

/s/ *Peter J. Eckerstrom*
PETER J. ECKERSTROM, Judge

CONCURRING:

/s/ *Garye L. Vásquez*
GARYE L. VÁSQUEZ, Presiding Judge

/s/ *Virginia C. Kelly*
VIRGINIA C. KELLY, Judge